



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 28, 1996

Ms. Lan Nguyen
Assistant City Attorney
City of Houston Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR96-0444

Dear Ms. Nguyen:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 37928.

The City of Houston (the "city") received requests for various proposals submitted to the city and for certain city officials' appointment calendars. You claim that several entries in one of the appointment calendars are protected from disclosure by constitutional or common-law privacy, under section 552.101 of the Government Code. You also object to releasing portions of the submitted proposals that contain third-party financial statements.

We are not ruling at this time on the financial information that you have asserted is confidential. We will rule on that portion of your request after soliciting additional briefing based on this office's recent decision in Open Records Decision No. 639 (1996). You may withhold the financial information at issue pending our ruling on that portion of your request.

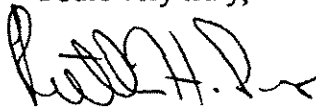
As to the calendars, you assert that disclosure of certain marked entries in one of the calendars "would result in an invasion of both the official's constitutional right to privacy and the right to privacy of the official's personal associates."¹ We have reviewed

¹We note that you have not asserted that the calendars are not public information. In Open Records Decision No. 635 (1995) at 6, this office stated that a state official's calendar that is maintained with public resources, contains work-related entries, and is accessible to other public employees is subject to chapter 552.

the marked entries that you seek to withhold from disclosure. However, the information at issue does not appear to be either highly intimate or embarrassing for purposes of common law privacy, *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977), or among the most intimate aspects of public affairs for purposes of constitutional privacy, *Ramie v. City of Hedwig Village*, 765 F.2d 490 (5th Cir. 1985). Thus, the entries at issue may not be withheld from disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 37928

Enclosures: Marked documents

cc: Mr. Bob Burtman
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(w/o enclosures)